



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

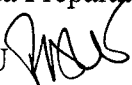
TELEPHONE
(213) 974-1861
FACSIMILE
(213) 229-9924
TDD
(213) 633-0901

JOHN F. KRATTLI
County Counsel

June 26, 2013

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Jason Terpstra v. County of Los Angeles, et al.
United States District Court Case No. CV 12-06354

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jason Terpstra v. County of Los Angeles, et al., United States District Court Case No. CV 12-06354, in the amount of \$479,500 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of false arrest, excessive force, and malicious prosecution by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jason Terpstra vs. COLA
CASE NUMBER	CV 12-06354
COURT	United States District Court
DATE FILED	7/24/2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$479,500
ATTORNEY FOR PLAINTIFF	Bradley C. Gage, Esq.
COUNTY COUNSEL ATTORNEY	Karen Joynt
NATURE OF CASE	<p>Plaintiff Jason Terpstra alleges that he was falsely arrested, subjected to the use of excessive force, and maliciously prosecuted by the two Deputies who arrested him.</p> <p>The Deputies contend that probable cause existed for the arrest and prosecution and that only necessary and reasonable force was used to arrest Mr. Terpstra.</p> <p>However, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a settlement of this</p>

matter in the amount of \$479,500
is recommended.

PAID ATTORNEY FEES, TO DATE	\$	52,184.96
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PAID COSTS, TO DATE	\$	10,144.03
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Case Name: Jason Terpstra v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Saturday, July 23, 2011; approximately 1:58 a.m.
Briefly provide a description of the incident/event:	<p><u>Jason Terpstra v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-010</p> <p>On Saturday, July 23, 2011, two Los Angeles County Deputy Sheriffs assigned to the Los Angeles County Sheriff's Department's Transit Services Bureau, after observing two violations of the California Vehicle Code, initiated an enforcement stop on the vehicle the plaintiff was driving.</p> <p>During the course of the enforcement stop, the plaintiff and one of the deputy sheriffs became involved in a violent struggle for control of the deputy's firearm while inside the vehicle and while the vehicle accelerated uncontrollably down the highway. Even after the plaintiff's vehicle collided with two parked cars, a fight for control of the deputy sheriff's weapon continued. Only after the vehicle came to rest was the deputy able to regain control of his firearm. With the assistance of the second deputy (who had followed the plaintiff's vehicle in a patrol car), the two deputy sheriffs were able to overcome the resistance offered by the plaintiff and subdue him. The plaintiff was finally handcuffed and ultimately taken into custody.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged excessive force, false arrest, and malicious prosecution by members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly reviewed by the Los Angeles County Sheriff's Department Executive

County of Los Angeles
Summary Corrective Action Plan

Force Review Committee. The members of the committee concluded the force used by the two deputy sheriffs was reasonable, necessary, and in compliance with Department policy.

No systemic issues were identified and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken and no other corrective action measures are recommended nor contemplated.

3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shaun J. Mathers, Captain
Risk Management Bureau

Signature:



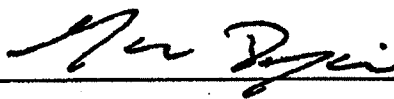
Date:

5/23/13

Name: (Department Head)

Glen Dragovich, Division Director
Administrative and Training Division

Signature:



Date:

5/24/13

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County of Los Angeles
Summary Corrective Action Plan

Chief Executive Office Risk Management Inspector General USE ONLY

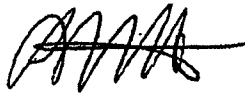
Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

LEO CASTANTINO

Signature:



Date:

6/3/13